



POLICE DEPARTMENT

October 11, 2023

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In the Matter of the Charges and Specifications	:	Case Nos.
- against -	:	2021-24344
Police Officer Joewel Sanders	:	
Tax Registry No. 968777	:	
6 Precinct	:	

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At: Police Headquarters  
One Police Plaza  
New York, NY 10038

Before: Honorable Anne E. Stone  
Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department: Naresh Singh, Esq.  
Department Advocate's Office  
One Police Plaza, Room 402  
New York, NY 10038

For the Respondent: Craig Hayes, Esq.  
Worth, Longworth & London, LLP  
111 John Street, Suite 640  
New York, NY 10038

To:

HONORABLE EDWARD A. CABAN  
POLICE COMMISSIONER  
ONE POLICE PLAZA  
NEW YORK, NY 10038

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## CHARGES AND SPECIFICATIONS

1. Said Police Officer Joewel Sanders, while on duty and assigned to the 6th Precinct, on or about November 15, 2021, was insubordinate to Sergeant Allison Sprague in that said officer spoke in a raised voice to said Sergeant and questioned her supervisory decisions.

A.G. 304-06, Page 1, Paragraph 1

GENERAL REGULATIONS –  
PROHIBITED CONDUCT

2. Said Police Officer Joewel Sanders, while on duty and assigned to the 6th Precinct, on or about November 15, 2021, did fail to activate his Body-Worn Camera while guarding an emotionally disturbed prisoner who was combative at Bellevue Hospital and while guarding him at Manhattan Central Booking.

P.G. 212-123, Page 1, Paragraph 4(d)

USE OF BODY-WORN CAMERAS

3. Said Police Officer Joewel Sanders, while on duty and assigned to the 6th Precinct, on or about November 15, 2021, failed to properly document the events that occurred while guarding an emotionally disturbed prisoner at Bellevue Hospital, and failed to document the prisoner's identity, location of the beginning of the transport and the end of the transport, the purpose of the transport and the results of the vehicle inspection in his Activity Log.

P.G. 212-08, Page 1, Paragraph 1(c)(2)

COMMAND OPERATIONS –  
ACTIVITY LOGS

4. Said Police Officer Joewel Sanders, while on duty and assigned to the 6th Precinct, on or about November 15, 2021, did fail to prepare a Threat, Resistance, or Injury Interaction report when he sustained a cut to his arm while he was escorting an emotionally disturbed prisoner down a set of stairs.

P.G. 221-06, Page 1, Paragraph 5

TACTICAL OPERATIONS –  
MEMBER OF THE SERVICE  
SUBJECTED TO FORCE WHILE  
PERFORMING LAWFUL DUTY

5. Said Police Officer Joewel Sanders, while on duty and assigned to the 6th Precinct, on or about November 15, 2021, failed to comply with an order in that he initially refused to transport an emotionally disturbed prisoner from Bellevue Hospital to Manhattan Central Booking as ordered by Sergeant Allison Sprague, and that transport was completed only after other members of service intervened. *(As amended)*

A.G. 304-03

COMPLIANCE WITH ORDERS

## REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on August 31, 2023. Respondent, through his counsel, entered a plea of Guilty to the subject charges and testified in mitigation of the penalty; the Department called Sergeant Allison Sprague as a witness. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review. Having evaluated all of the evidence in this matter, I recommend the forfeiture of twenty (20) vacation days for Specifications 1 and 5. For Specifications 2, 3, and 4, I recommend forfeiture of three (3) vacation days, for a total of twenty-three (23) days.

## SUMMARY OF EVIDENCE IN MITIGATION

On November 15, 2021, Respondent was working in the 6 Precinct. He was assigned to transport a prisoner from Bellevue Hospital to the precinct to receive a Desk Appearance Ticket (DAT). After arriving at the hospital, Respondent observed the prisoner throwing his feces, urinating on people, as well as trying to hurt himself. Respondent indicated that based upon the behavior he observed, the prisoner was an Emotionally Disturbed Person ("EDP"). He testified that in his experience, when an individual is classified as emotionally disturbed, multiple officers, including a supervisor, usually respond to the scene. (Tr. 20-22)

Sergeant Allison Sprague was working as the 6 Precinct desk sergeant on the date of the incident. She called Respondent for an update regarding whether the prisoner had been discharged and to remind him that the individual still needed to be fingerprinted. Respondent informed her that the hospital staff was still evaluating whether the prisoner needed to remain in their care. Respondent then expressed hesitation to the sergeant about having the prisoner

transported to the precinct because he had fecal matter on his hands. He asked Sergeant Sprague to send an officer to the hospital to obtain the fingerprints. (Tr. 22-23)

Officer Israel Torres arrived at the hospital to assist Respondent. According to Respondent, Officer Torres advised him that they were to bring the prisoner to Manhattan Central Booking (MCB). Since this differed from what Respondent was initially told to do by Sergeant Sprague, he called the desk to verify. Sergeant Sprague confirmed that she had changed her mind about having the prisoner transported to the precinct, and ordered Respondent to transport the prisoner to MCB and remain there with him. Respondent admitted that during the conversation he spoke in a raised voice to Sergeant Sprague and questioned her supervisory decisions by refusing to transport and stay with the prisoner at MCB for the rest of his tour. Respondent also acknowledged that he failed to immediately comply with Sergeant Sprague's orders, prompting her to say to him, "Shouldn't you have called one of your delegates before making this phone call?" He conceded that his behavior during this entire exchange was inappropriate. Although he denied using the word "shit," Respondent described yelling, "I'm not going downtown, I am not sitting on this prisoner." While Respondent and Sergeant Sprague were on the phone, the prisoner again became irate. Respondent ended the phone call abruptly, simply stating, "Hey, Sergeant, I got to go." (Tr. 24-25)

Later, while transporting the prisoner to MCB, Respondent spoke with Sergeant Cartmell. Sergeant Cartmell informed him of the repercussions of failing to comply with Sergeant Sprague's command. During the conversation, Respondent requested a break in order to change his clothing since he had fecal matter on him. He also asked that a different officer be assigned to accompany him for the transport and to wait in MCB. Respondent was aware Officer Torres had suffered a loss in his immediate family just two days before, and testified that he

made comments that made Respondent deeply concerned about his mental health. Respondent admitted to raising his voice in the course of the conversation with Sergeant Cartmell. He acknowledged it was inappropriate for him to address his supervisor in that manner. (Tr. 26-28)

Upon arriving at MCB, while Respondent and Officer Torres assisted the sedated prisoner down the stairs, Officer Torres slipped. As a result, Respondent hit the wall scraping his arm. Subsequently, Officer Torres returned to the precinct, and Respondent received an alcohol wipe from a nurse in MCB to clean his arm. Respondent testified he did not complete a Threat, Resistance, and Injury (TRI) report in relation to the scrape. (Tr. 29-32)

At the conclusion of his tour, Respondent called the desk, and spoke with Sergeant Sprague to request relief, a conversation which he described as "normal." (Tr. 32) Respondent stayed with the prisoner in MCB until the end of his tour, when he was relieved by another officer. (Tr. 29-31)

Respondent admitted that he failed to activate his body-worn camera, though he confirmed that there were instances during his tour when activation was required. He further admitted he did not document pertinent information, including the prisoner's name, in his Activity Log. (Tr. 58-59)

At the conclusion of Respondent's case, the Department called Sergeant Allison Sprague to testify about the events of that day. Her recitation of the facts did not differ from Respondent's in any significant way. She testified that on the date in question she spoke on the phone with Respondent while he was at Bellevue Hospital. After informing Respondent that her orders had changed, and that the prisoner would be taken to MCB, rather than the 6 Precinct, Sergeant Sprague described hearing a pause. She asked Respondent if he understood her instructions, he said yes and the phone call ended. Sergeant Sprague described receiving a second phone call

from Respondent, during which he began yelling. She recalled him accusing her of “always” assigning him to guard emotionally disturbed prisoners. Sergeant Sprague then reiterated her instruction that Respondent take the prisoner downtown to MCB, and advised him to call his union delegate, since the phone call had escalated. According to Sergeant Sprague, Respondent stated that he would call her later, and hung up the phone. She stated she received another call from Respondent during which Sergeant Sprague recalled Respondent requesting relief and stating, in sum and substance, “I am not sitting on a prisoner for the remainder of my tour.” (Tr. 74-77)

### PENALTY

In order to determine an appropriate penalty, this tribunal, guided by the Department’s Disciplinary System Penalty Guidelines, considered all relevant facts and circumstances, including potential aggravating and mitigating factors established in the record. Respondent’s employment history also was examined. *See* 38 RCNY § 15-07. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached memorandum.

Respondent, who was appointed to the Department on October 7, 2019, has pled guilty to speaking to Sergeant Sprague in a way that constituted insubordination; failing to activate his body-worn camera; failing to document the incident in his activity log; failing to complete a Threat, Resistance or injury report; and failing to promptly comply with a lawful order.

The Department Advocate’s penalty recommendation is as follows: With respect to Specification 1: the presumptive penalty for insubordination, forfeiture of twenty (20) days; Specification 2: the presumptive penalty for *intentional* failure to activate a body-worn camera, forfeiture of twenty (20) days; Specification 3: the maximum penalty for failing to properly

document in an activity log, forfeiture of five (5) days; Specification 4: the presumptive penalty for failure to prepare a required report, forfeiture of five (5) days; and Specification 5: twenty (20) suspension days to run *concurrently* with the twenty days requested for Specification 1, for a total of fifty (50) penalty days. (Tr. 99-102) Respondent, through his attorney, asked for a lesser penalty of fifteen (15) to twenty (20) vacation days.

I find the Department's recommendation, in particular the recommendation for suspension days, to be excessive. In this case, Respondent eventually complied with Sergeant Sprague's order, his supervisors did not suspend him on the date this occurred, and the facts presented in this hearing do not warrant suspension now. In addition, it is important to note that the same underlying acts of misconduct constitute the basis for Specifications 1 and 5: Respondent is charged with questioning his supervisor's decisions, initially refusing to comply with her lawful order to transport an emotionally disturbed prisoner to MCB, doing so in a disrespectful manner with his voice raised, and then abruptly ending the phone call. In situations where the same actions support alternative theories of prosecution, the Disciplinary Matrix mandates that the officer will be penalized only once.<sup>1</sup>

This tribunal recognizes that the circumstances surrounding the guarding and transporting of this emotionally disturbed prisoner were stressful, potentially dangerous, and certainly would cause any reasonable person to be concerned about their safety and health. The individual's behavior was so erratic that medical staff sedated him on more than one occasion during the time Respondent was assigned to guard him. Respondent was facing the unpleasant, uncomfortable, and unhygienic prospect of remaining in clothing which had the prisoner's feces on it for several

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<sup>1</sup> "If the same underlying act(s) of misconduct support multiple definitions of proscribed conduct or support alternative theories of prosecution, then a single penalty will be applied." (Disciplinary Matrix, p. 13)

more hours. While it may have been reasonable for Respondent to ask for an additional officer to assist him and for the opportunity to change his uniform, those factors are not an excuse for questioning his supervisor's decisions in a raised voice, initially refusing to comply with her orders, and subsequently hanging up the phone on her. Respondent's insubordination and disrespectful attitude continued during his conversation with Sergeant Cartmell. This type of behavior threatens to undermine the good order and efficiency of the Department and is unacceptable in a paramilitary organization.

The presumptive penalty for both insubordination, as well as, failure to comply with a lawful order is the forfeiture of twenty (20) penalty days. While Respondent did eventually comply with Sergeant Sprague's order to transport the prisoner, he continued his insubordinate and disrespectful attitude towards his superiors while completing the task. This behavior argues against mitigation.

Along with the penalties set forth in the Disciplinary Matrix, the Advocate and Respondent's counsel each cited a number of trial decisions and settlements involving insubordination and failure to comply with a lawful order from the past six years. The case in which the facts are most closely analogous to the current matter is *Disciplinary Case No. 2019-21082* (Nov. 18, 2020), cited by Respondent's counsel, in which a police officer with no disciplinary record negotiated a penalty of twenty (20) vacation days for behaving unprofessionally and antagonistically towards a lieutenant in front of a prisoner after being assigned an arrest and using her personal cell phone to record her interaction with the prisoner and other officers. The lieutenant in that case assigned that respondent to handle the arrest of a man who had been sleeping on the subway and who was found to have an open warrant. Respondent began recording her interaction with the lieutenant on her personal cell phone and



questioned him about his decisions. She stated that “he could not just look the other way” and added that “blue sticks together and white sticks together.” Finally, Respondent questioned the lieutenant about his body-worn camera, the protocols around homeless individuals in the subways, and the decision to arrest the prisoner. Her demeanor was unprofessional, antagonistic and insubordinate, just as Respondent’s was here. Taking all of the attending circumstances, the cited precedent and the applicable sections of the Discipline Matrix into consideration, I recommend that Respondent forfeit twenty (20) vacation days for Specifications 1 and 5.

As to Specification 2, while Respondent admitted that he failed to activate his body-worn camera at certain times during the course of the incident, the Department failed to present evidence that the failure was intentional. Nor was there charging language in Specification 2 alleging that the misconduct was committed intentionally. The same can be said for the incomplete Activity Log entries and failure to complete a TRI report (Specifications 3 and 4). On the other hand, Respondent did not provide any explanation at all regarding the reason behind his documentation failures.

With respect to Specification 2, the presumptive penalty for intentional failure to record is twenty (20) days, while the presumptive penalty for negligently failing to record an event that is the subject of an investigation is three (3) penalty days. The evidence did show that Respondent was in a stressful situation, which does not excuse him from the documentation requirements of Patrol Guide 212-123, but is relevant when contemplating an appropriate penalty. I believe forfeiture of three (3) vacation days balances the serious nature of the oversight with the unpleasant nature of the circumstances Respondent found himself in. Regarding Specification 3, the omission of information from an activity log is usually addressed by the issuance of a Schedule A Command Discipline and the forfeiture of up to five (5) days. In this

case, I believe the forfeiture of one (1) vacation day to run *concurrently* with the three (3) days for Specification 2, is appropriate. When considering Specification 4, failure to complete a TRI report, the evidence showed that the injury sustained by Respondent was minor and occurred under circumstances which appear to be the result of an accident. The impact of the omitted form on the Department was minimal, and therefore the mitigated penalty of three (3) vacation days to run *concurrently* with the penalty for Specification two (2) is sufficient to address the deficiency.

Based on the record, I recommend that Respondent forfeit a total of twenty-three (23) vacation days.

Respectfully submitted,



Anne E. Stone  
Assistant Deputy Commissioner Trials

APPROVED

EDWARD A. CABAN  
POLICE COMMISSIONER  
JAN 09 2024



## POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials  
To: Police Commissioner  
Subject: SUMMARY OF EMPLOYMENT RECORD  
POLICE OFFICER JOEWEL SANDERS  
TAX REGISTRY NO. 968777  
DISCIPLINARY CASE NO. 2021-24344

Respondent was appointed to the Department on October 7, 2019. On his only annual performance evaluation to date, he was rated “Meets Standards” for 2022. He received a 3.0 rating of “Competent” on his 22-month probationary evaluation in August 2021, and 3.5 ratings of “Highly Competent/Competent” on his ten and sixteen-month probationary evaluations in August 2020 and February 2021.

Respondent has no formal disciplinary history.

For your consideration.

Anne E. Stone  
Assistant Deputy Commissioner Trials